TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE Transcriber's Office FLOOR DEBATE

April 8, 2004 LB 958

a new crime based on a religious point of view which certainly is not universally shared. When Senator Foley has to rationalize and temporize by saying that a prosecutor is not going to file charges under this bill unless and until, it shows that the bill is not well-thought-out, it is not well-written, and it's a religious dogma which allows of no departure from it. If this were to be drafted in the way that criminal statutes are, a situation would not be created by the terms of the statute which are impossible of enforcement. Senator Foley admits...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...that based on the definition in this bill there's a period when a prosecutor could not possibly bring a case under this bill and have any chance of procuring a conviction. The thing should be written differently if Senator Foley is interested in putting a viable criminal statute on the books instead of trying to impose another religious declaration. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. You've heard the closing on FA1613, offered by Senator Chambers to AM3226, the Judiciary Committee amendments. Senator Chambers.

SENATOR CHAMBERS: I'd like a call of the house and a roll call vote.

SENATOR CUDABACK: There's been a request for call of the house. All in favor of the house going under call vote aye, those opposed nay. The question is, shall the house go under call? Record please, Mr. Clerk.

CLERK: 15 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators please report to the Chamber. The house is under call. The house is under call. All members please check in, unexcused members that is. Senator Brashear, Senator Don Pederson, Senator Johnson,